

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1 and 8 remain pending. Claim 1 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2002/0122585 A1 to Swift et al. (“Swift”) in view of U.S. Patent No. 6,084,978 to Taylor et al. (“Taylor”) and U.S. Patent No. 6,023,277 to Osaka et al. (“Osaka”). As applied to the claims as amended, Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

As amended, independent claim 1 recites, *inter alia*, the feature of “*an image selector that selects one viewpoint image from the plurality of viewpoint images and creates a 2-dimensional image file from the selected one viewpoint image*”. None of the applied prior art references teach or suggest at least this feature of claim 1, alone or in combination.

Swift is directed towards a stereoscopic 3-D media file for delivering stereoscopic media in electronic form. Swift discloses providing a single format to represent the stereoscopic media, including support for delivering the media in a monoscopic 2-D viewing mode. *See Swift, paragraph 6 and Figure 1*. Swift’s media format indicates which viewing mode is to be used to display the three-dimensional image information on a screen. *See Swift, paragraph 54 and Figure 10*. At best, Swift discloses that the user can select whether to view the left or right monoscopic view. *See paragraph 46*. However, this is not the same as the image selector of the

claimed invention, which selects one viewpoint image from the plurality of viewpoint images and creates a 2-dimensional image file from the selected image.

Neither Taylor nor Osaka cure this deficiency of Swift. Taylor is silent with respect to an image selector as claimed. Furthermore, Osaka merely discloses a display control apparatus that reproduces an image stored in an image file, but does not disclose or suggest an image file creating apparatus as recited in claim 1. Thus, Osaka cannot disclose the image selector of claim 1 that creates a 2-dimensional image file from the selected image.

Amended claim 1 further recites, “*if the 3-dimensional image file is created and stored in a 3-dimensional image directory, then the 2-dimensional image file is created from one viewpoint image selected from the plurality of viewpoint images for creating the 3-dimensional image file, and is stored in a 2-dimensional image directory*”. In other words, when the 3-dimensional image file is created and stored onto a recording medium in a directory for storing 3-dimensional images, the 2-dimensional image file is created from the selected viewpoint image and is stored onto the recording medium in a directory for storing 2-dimensional images. Thus, the same scene is recorded in both of the 3-dimensional image file and the 2-dimensional image file, which are stored in a 3-dimensional image directory and a 2-dimensional image directory, respectively. Accordingly, a device that can only handle 2-dimensional image data will be able to reproduce from the 2-dimensional directory a 2-dimensional image created from the 3-dimensional image data. In other words, the claimed invention makes it possible for a device that can only reproduce files stored in the 2-dimensional directory to recognize the storage of a captured 3-dimensional image, since the claimed invention stores a 2-dimensional image created from the 3-dimensional image data beforehand. *See e.g., instant specification, page 24, line 24 – page 25, line 20; Figure 10.*

Swift fails to teach or suggest at least the above features. Although Swift discloses that “[u]sers without a physical stereo viewing device can see the media in monoscopic form by selecting to use either the right or left monoscopic views” (*see paragraph 46*), Swift does not teach or suggest that when the 3-dimensional image file is created and stored onto a recording medium, the 2-dimensional image file is also created and stored beforehand onto the recording medium. Therefore, Swift cannot teach or suggest the features of claim 1 as amended.

Neither Taylor nor Osaka cure this deficiency of Swift. Taylor is silent with respect to these features as claimed. Furthermore, as previously discussed Osaka discloses only a display control apparatus that reproduces the image stored in the image file, and does not teach or suggest an apparatus that creates the image file. Although Osaka discloses a three-dimensional image file 50 including three-dimensional image data 52 and two-dimensional image data 53 (*see col. 16, lines 9-17 and Figure 12*), the three-dimensional image file 50 includes two-dimensional image data 53 only because a file header 51 included in three-dimensional image file 50 has information indicating whether or not a two-dimensional image is present (*see col. 16, lines 22-28*). Therefore, Osaka does not teach or suggest that two-dimensional data 53 is created whenever the three-dimensional data is created, nor does Osaka teach or suggest the claimed feature wherein *“if the 3-dimensional image file is created and stored in a 3-dimensional image directory, then the 2-dimensional image file is created from one viewpoint image selected from the plurality of viewpoint images for creating the 3-dimensional image file, and is stored in a 2-dimensional image directory.”*

Based on the foregoing, it is clear that the combination of Swift, Taylor, and Osaka fails to teach or suggest each and every limitation of claim 1. Dependent claim 8 is also distinguishable from the prior art at least due to its dependence from claim 1.

Therefore, Applicants submit that claims 1 and 8 are patentable over the combination of Swift, Taylor, and Osaka and respectfully request that the rejection of claims 1 and 8 under §103(a) be withdrawn.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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